

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
	§	CRIMINAL NO. H-03-221-11
	§	
v.	§	
	§	CIVIL NO. H-11-3822
TYRONE MAPLETOFT WILLIAMS	§	

ORDER GRANTING MOTION TO DISMISS

The defendant, Tyrone Mapletoft Williams, was convicted on 39 counts of a 58-count indictment charging him with crimes involving smuggling and transporting illegal aliens. Nineteen of those aliens died. Twenty counts carried a possible death sentence. The jury returned a sentence of life imprisonment without the possibility of parole on 19 of the capital counts.

The Fifth Circuit affirmed the convictions on all counts, and the sentence on the non-capital counts, but remanded for resentencing on the 19 capital counts for which Williams received life sentences. *See Williams v. United States*, 610 F.3d 271, 285-91 (5th Cir. 2010). This court subsequently resentenced Williams to a term of 405 months, five years supervised release, a \$3,900 special assessment, and a \$150,000 fine on those counts. Williams filed a notice of appeal on February 3, 2011. That appeal is currently pending in the Fifth Circuit.

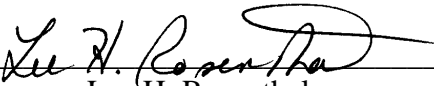
On October 25, 2011, Williams filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. On November 2, 2011, the United States of America moved to dismiss Williams's motion.

While "there is no jurisdictional bar to the District Court's entertaining a Section 2255 motion during the pendency of a direct appeal . . . , the orderly administration of criminal law

precludes considering such a motion absent extraordinary circumstances.” *Womack v. United States*, 395 F.2d 630, 631 (D.C. Cir. 1968). This is so because the appeal may render issues raised in the Section 2255 motion moot. *See, e.g., United States v. Kalish*, 780 F.2d 506, 508 (5th Cir. 1986). Williams identifies no extraordinary circumstances justifying his motion at this time.

The government’s Motion to Dismiss (Docket Entry No. 2221) is granted. Williams’s Motion to Vacate, Set Aside, or Correct a Sentence (Docket Entry No. 2216), is dismissed without prejudice as premature.

SIGNED on January 4, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge